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IKANO Communications, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

BRANDYWINE COMMUNICATIONS
TECHNOLOGIES, LLC,

Plaintiff,

v.

IKANO COMMUNICATIONS, INC.,

Defendant.

Case No. 2:12-CV-1214-DN
District Judge David Nuffer

**DEFENDANT'S MOTION TO
ENFORCE SETTLEMENT**

MOTION

Defendant IKANO Communications, Inc. (“Defendant”) respectfully moves this Court for an Order enforcing its definitive settlement agreement (the “Settlement Agreement”) with plaintiff Brandywine Communications Technologies, LLC (“Plaintiff”), which Defendant understands to be a subsidiary of Acacia Research Corporation (“Acacia”).

This motion is made for good cause shown, on the grounds that the summary enforcement of settlement agreements is well suited for situations, such as here, where there is a definitive and binding agreement and no valid excuse for nonperformance. More particularly, this motion is made on the grounds that:

- On December 16, 2013, after three months of negotiations, a definitive written settlement agreement was reached between Defendant and Plaintiff, which agreement was circulated by Plaintiff’s counsel for signature by the parties.
- Since December 16, 2013, Defendant has been (and remains) ready and willing to sign and perform the Settlement Agreement without change.
- However, Plaintiff has repeatedly requested amendments and “clarifications” to the Settlement Agreement. Erratically, Plaintiff has even rejected its own prior formulations and proposed material alternations to agreed upon language.
- Evidently, Plaintiff simply seeks to delay the current stay and/or any settlement.

This motion is based on the accompanying Memorandum of Points and Authorities and Declaration of John N. Zarian filed concurrently herewith, the pleadings on file in this case, and upon such other matters as may be presented to the Court at the time of hearing.

DATED THIS 20th day of March, 2014.

PARSONS BEHLE & LATIMER

By /s/ John N. Zarian

John N. Zarian

Attorneys for Defendant

IKANO Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20th day of March, 2014, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which automatically sent email notification of such filing to all counsel who have entered an appearance in this action.

/s/ John N. Zarian

John N. Zarian